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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,596	11/14/2000	Sean Harnett	319700031REA	9940

7590 03/14/2002

Harness Dickey & Pierce PLC
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Bloomfield Hill, MI 48098

EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner of Patents and Trademarks

Hal D Wachsman
Primary Examiner
Art Unit: 2857

Art Unit: 2857

1. The amendment filed on 12-12-01 proposes amendments to the specification and claims that do not comply with 37 C.F.R. 1.173(b), which sets forth the manner of making amendments in reissue applications. A supplemental paper correctly amending the reissue application is required.

a) The reply amends claim 33 and in this same reply cancels claim 33. Therefore, it is not clear whether claim 33 is still pending in the application and if it was not claim 33 that was intended to be cancelled then was there another claim that the Applicant did intend to cancel ? The Remarks section on page 14 further states "Claims 1-37 are now pending in the application.Claims 10, 17, 25, 32, and 33 were canceled without prejudice." However, as at least claims 10, 17, 25 and 32 have clearly been cancelled, it is not claims 1-37 that are now pending in the application but rather claims 1-9, 11-16, 18-24, 26-31, 33?, 34-37. Appropriate correction is required.

b) When amending the original patented claims (claims 1-8) subject matter that is being deleted relative to the patent being reissued (i.e. relative to the original patented claims) must be enclosed in brackets (see MPEP 1453 Amendments to Reissue Applications, 37 C.F.R. 1.173). In several locations, such as in claim 1, line 1, for example, a horizontal line is being used to delete the word "an" instead of brackets. The Examiner further respectfully notes, that in Reissue applications when making an amendment, there is no need to submit a clean amended copy of the claims, which is different than other filed applications where under 37 C.F.R. 1.121 there is a requirement for both clean and marked-up copies of amendments. Appropriate correction is required.

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- c) With respect to the added on claims (i.e. claims 9-37), the entire claims must be underlined because this is matter to be added by reissue relative to the original patent. In these claims, the Applicant has only underlined new subject matter relative to the first presentation of these added on claims and has not underlined the entire claim. One important difference with respect to added on claims as compared to the original patent claims, when deleting subject matter from the added on claims in amendments, there is no bracketing to show subject matter being deleted. The Examiner also respectfully asks that the Applicant review the amendments being made for newly created antecedent basis problems such as in claim 9, lines 12-13 for example, where it states "the **restrictive** phase and magnitude error signals". Appropriate correction is required.
- d) The Applicant's request to substitute pages having corrected columns 3 and 5 for insertion in the specification is improper because only paragraphs where changes are being made in a specification and not the entire pages are amended with the precise point in the specification being identified where any added or rewritten paragraph is located (see 37 C.F.R. 1.173(b)(1), (d), (g)). Appropriate correction is required.
- e) As required by 37 C.F.R. 1.173(c), an explanation of the support in the disclosure in the patent for all the changes being made to the claims in the claim amendments is needed. Appropriate correction is required.
2. A shortened statutory period for reply to this letter is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-

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9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
March 11, 2002